

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 1, 1999

DIVISION TWO

B124853 People (Not for Publication)
v.
Curtis

The judgment is modified to impose a parole revocation fine of \$200 pursuant to section 1202.45, that fine to be suspended unless appellant's parole is revoked, and the abstract of judgment is to be amended to so reflect. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J.

B124254 People (Not for Publication)
v.
Lane

The matter is remanded to permit the People, within 30 days after finality of this opinion, to move for a hearing in the trial court to establish the 1962 Missouri prior as a serious or violent felony for the purposes of a five-year sentence enhancement. If the People do not request such a hearing within that time period, the trial court is directed to strike the five-year enhancement for the 1962 Missouri prior. The finding that the 1962 Missouri prior constitutes a strike for three strikes purposes is reversed and that allegation is dismissed. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J.

DIVISION FOUR

B12691 People (Not for Publication)
v.
Mitchell

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B132758 Mr. Jiffy's Pizza (Not for Publication)
v.
Superior Court, Los Angeles County
(Horen et al., r.p.i.)

Let a peremptory writ of mandate issue directing that respondent trial court vacate its order denying petitioner's motion for summary judgment, and enter a new order granting summary judgment. The alternative writ, having served its purpose, is discharged, and the temporary stay is vacated effective upon the issuance of remittitur. Petitioner is awarded its costs.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B123680 Lowe (Not for Publication)
v.
Rockwell International

The judgment is modified to award \$52,500 in fees. In all other respects, the judgment is affirmed. Each party to bear its own costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B122920 Williamson et al. (Certified for Partial Publication)
 v.
 Prida et al.

The judgment is reversed, and the trial court is directed to enter an order of judgment in Drs. Von Bluecher's and Prida's favor. Drs. Von Bluecher and Prida to recover costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

B127487 People (Not for Publication)
 v.
 Herrera

Appellant's request for new counsel is denied. The judgment is modified to reflect that appellant has 130 days of conduct credit and 393 days of total presentence credit. The judgment is affirmed in all other respects. The clerk of the superior court is directed to prepare an amended abstract of judgment consistent with this opinion, including the corrected custody time. The clerk is then to deliver the corrected abstract of judgment to the Department of Corrections.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

[illegible]

The trial court's findings that that the two convictions suffered in case number A629573 and the conviction for assault without a firearm (without a personal use enhancement) in case number NA003377 are serious felonies within the meaning of the three strikes law and section 667, subdivision (a) are reversed. The section 12022, subdivision (b)(1) enhancement to Count 4, assault with a deadly weapon, is stricken. The sentence in this matter is vacated. The matter is remanded to permit the People to retry the three prior conviction allegations. If the People do not elect to retry appellant, the trial court is instructed to resentence appellant in accordance with this opinion.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION SIX

B129722 People (Not for Publication)
v.
Gibson

The abstract of judgment is ordered modified to show a state penalty assessment of \$840 and a county penalty assessment of \$588. The judgment is affirmed as modified.

Matz, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Coffee, J.

November 1, 1999-Continued

DIVISION SIX (Continued)

B128977 Lord (Not for Publication)
v.
Estate of Lord

The order denying Stephen's petition to determine persons entitled to distribution of estate is affirmed. Costs to respondents.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Matz, J. (Assigned)

DIVISION SEVEN

B118298 People (Not for Publication)
v.
Chavez

The judgment of the superior court is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.